IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2007

CORAM:

THE HON'BLE MR.JUSTICE M.CHOCKALINGAM

W.P.NO.17072 OF 2007

AND

MP.NOS.2 OF 2007

G.Thanthoni ...Petitioner

Vs.

1.The Chief Engineer/Personnel,
Tamil nadu Electricity Board,
800, Anna Salai,
Chennai 600 002.

2. The Assitant Executive Engineer(O & M)
Chengalpattu Electricity System,
Tamil Nadu Electricity Board,
Kadambathur 631 203. ..Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari as stated therein.

For Petitioner : Mr.R.N.Amarnath
For Respondents : Mr.M.Vaidyanathan

O R D E R

Seeking to issue a writ of Certiorari to quash the order of transfer made by the second respondent viz., The Assistant Executive Engineer, Chengalpet Electricity System, Kadambathur whereby the petitioner was transferred from Thiruvalangadu Division to Kundah, Nilgiris District, this writ petition has been brought forth.

2. The Court heard the learned counsel on either side. Affidavit filed in support of the writ petition is perused.

3. Admittedly, the petitioner was appointed as Junior Engineer in the year 1994 and he is in service all along and originally there was an order of transfer was passed on 17.7.2006 transferring him to Thiruvalangadu to Kundah, Nilgiris District on administrative grounds. The said order was challenged by the petitioner

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herein before this Court in W.P.No.24984 of 2006. When it was taken up for enquiry, it was disposed of on the undertaking that on the petitioner making representation to the Department, it would be considered. Accordingly, a representation was made. The Department, after considering the representation, issued a impugned order of transfer dated 1.5.2007 whereby the original order transferring the petitioner from Thiruvalangadu District to Kundah, Nilgiris District was affirmed. Under such circumstances, this writ petition has been brought forth.

4. Learned counsel for the petitioner would submit that his first son is studying in XII std. and the second daughter is studying in X std. He further submit that time may be granted till the end of the academic year, so that the education of his children will not be disturbed and that he is ready to abide by the transfer order

5. Learned counsel for the respondent would submit that it is a transferable post and there is no malafide in transfering the petitioner to the said place. The petitioner should obey the order of transfer, but he has questioned the same. Hence, the writ petition has got to be dismissed.

6. It is not in controversy that originally the petitioner was given an order of transfer on 17.7.2006. The same was subject matter of writ petition referred to above. While disposing of the said writ petition on the contention put forth by the petitioner that he shall give a representation to the Department in respect of the transfer originally made from Thiruvalangadu to Kundah, Nilgiris District and on making such representation, the respondent-Department will consider the same. But, in the instant case, it is not in controversy that representation was made, but the representation was rejected and the earlier order of transfer was reiterated in the impugned order. The transfer order was passed on 1.5.2007 where the original order of transfer transferring the petitioner from Tiruvalangadu to Kundah, Nilgiris District is again affirmed.

7. It is now brought to the notice of this Court by the learned counsel for the respondents that immediately after the transfer was made on 17.7.2006, the petitioner has filed a writ petition and it was disposed of giving liberty to the petitioner to make a representation and accordingly he has made a representation and the Department has also considered the same, since it was requested that the order of transfer shall not be given effect to till the end of the academic year on 30.4.2006 and only thereafter on 1.5.2007, it was given effect to. Now the contention put forth by the petitioner is that his children are now studying in 12th and 10th std respectively. Therefore, the order of transfer should be kept in abeyance, cannot be countenanced for the simple reason that in the same circumstances, last year the petitioner has made a representation and the same was considered and the department kept in abeyance the order of transfer till the end of the academic year in 2006-2007. The same request cannot be entertained now. Once there is no malafide in the order of transfer and it is a transferable post and the

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respondents have already considered his case, no further request or consideration would arise in this writ petition.

8. Hence the writ petition is dismissed. No costs. Consequently, M.P.No.2 of 2007 is also dismissed.

sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

VJY

To

1.The Chief Engineer/Personnel,
Tamil nadu Electricity Board,
800, Anna Salai,
Chennai 600 002.

2. The Assitant Executive Engineer(O & M)
Chengalpattu Electricity System,
Tamil Nadu Electricity Board,
Kadambathur 631 203.

+ 1 cc to Mr.M.Vaidyanathan Advocate SR.NO.55090

JSK(CO)
RD 13.9.07

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